REMARKS

Reconsideration of the action mailed October 3, 2003, is requested in light of the foregoing amendments and the following remarks.

The Examiner rejected claims 1-12, 16-19, 22-25, 29-41, 45-48, 51-54, and 58-59 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent 5,982,379 ("Suzuki").

The Examiner rejected claims 13-15, 20, 26-28, 42-44, 49, and 55-57 under 35 U.S.C. §103(a) as being unpatentable over Suzuki in view of U.S. Patent 6,201,550B1 ("Sakamoto").

The Examiner objected to claims 21 and 50 as being dependent upon a rejected base claim, but indicated that they would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicant has amended claims 1, 3, 5, 7, 12-28, 30, 32, 34, 36, 41-57 and 59 for clarification and to provide clearer antecedent basis. Claims 8 and 37 have been canceled. No new matter is added.

Section 102(b) rejections

Independent claims 1, 30, and 59 were rejected as anticipated by Suzuki. Applicant respectfully submits that Suzuki fails to disclose elements of claims 1, 30, and 59. Claims 1, 30, and 59 recite, "defining a gradient starting point for a color gradient to be applied to fill a region of an image, the color gradient defining a transition between colors in the region." Suzuki does not describe defining a gradient starting point for a color gradient to be applied to fill a region of an image.

In Suzuki, colors in existing images are corrected to compensate for the limitations of input and output devices. For example, a particular image scanning device may be more sensitive to some colors than to others. As a result, scanning a color image will result in inaccuracies. See Suzuki, lines 17-27 of column 1. One possible solution disclosed by Suzuki is to specify a color system so that the input and output devices have identical input and output characteristics. For example, an RGB color system is an additive color system in which color is represented by adding three color components, namely red, green, and blue. The color

components have a unique set of values or characteristics, over a range. See Suzuki, lines 34-44 of column 3. One described method of correcting color is to use a color correction curve. The color correction curve is generated from a predetermined equation and contains points that correspond to the unique values of a color component. See Suzuki, lines 36-52 of column 1 and lines 3-17 of column 6.

The Examiner refers to lines 9-18 of column 10 as disclosing the gradient recited, e.g., in claim 1. Lines 9-18 of column 10 describe Figure 10, which illustrates a color correction curve. The color correction curve includes five points and two slopes to define the characteristics of a color component, such as the color component "blue" in an RGB color system. The cited section defines the unique characteristics of a color component so that an input or output image can be corrected to properly display the color component in the image (e.g., the "blue" component). Suzuki does not describe a color gradient to be applied to fill a region of an image. Because Suzuki does not disclose elements of claims 1, 30, and 59, Suzuki does not anticipate claims 1, 30, and 59. For at least the foregoing reasons, Applicant respectfully submits that claims 1, 30, and 59 as well as claims 2-29, and 31-58, which depend from claims 1 and 30 respectively, are in condition for allowance.

The Examiner also rejected claims 2 and 31 as unpatentable over Suzuki. Claim 2 recites "rendering the color gradient in accordance with the gradient starting point, the gradient ending point, the at least on intermediary point, and the first and second set of values for the set of gradient attributes." Similarly, claim 31 recites "render the color gradient in accordance with the gradient starting point, the gradient ending point, the at least one intermediary point, and the first and second set of values for the set of gradient attributes." Suzuki does not disclose a color gradient nor the rendering of the color gradient. For at least the reasons discussed above with respect to claims 1, 30, and 59, Suzuki does not disclose the recited elements of claims 2 and 31. Because Suzuki does not disclose elements of claims 2 and 31, Suzuki does not anticipate claims 2 and 31. Therefore, Applicant respectfully submits that claims 2 and 31 are in condition for allowance.

Section 103(a) rejections

The Examiner relies on Sakamoto as teaching Applicant's claimed invention when combined with Suzuki. As discussed above, Suzuki does not describe a color gradient. Sakamoto describes a method for printing a gradient. However, the method requires constant gradient attributes across the entire gradient. See Sakamoto lines 9-20 of column 9 and lines 1-3 of column 13. Consequently, the gradient is uniform from the starting point to the ending point, transitioning from a starting color to an ending color in equal steps. Applicant's claims, however, recite at least one intermediary point between the gradient starting and ending points at which at least one gradient attribute changes. There is a first attribute that is distinct for the first and second set of values for the gradient attributes, resulting in a gradient that is not uniform from the starting point to the ending point.

The Examiner rejected claims 13 and 42 as unpatentable over Suzuki in light of Sakamoto. Claims 13 and 42 each recite that the first attribute is an offset attribute. Neither Suzuki nor Sakamoto describe an offset attribute, nor do they describe an offset attribute having a value that can be different in different parts of the gradient. For this further reason, Applicant respectfully submits that claims 13 and 42, as well as claims 14-15 and 43-44 which depend from claims 13 and 42 respectively, are in condition for allowance.

The Examiner rejected claims 20, 26, 49, and 55 as unpatentable over Suzuki in light of Sakamoto. Claims 20 and 49 each recite that the first attribute is a color traversal attribute. Claims 26 and 55 each recite that the first attribute is a color contour function attribute. Neither Suzuki nor Sakamoto describe a color traversal attribute or a color contour function attribute, nor do they describe a color traversal attribute or color contour function attribute having a value that can be different in different parts of the gradient. For this further reason, Applicant respectfully submits that claims 20, 26, 49, and 55, as well as claims 21, 27-28, 50, and 56-57 which depend from claims 20, 26, 49, and 55 respectively, are in condition for allowance.

Enclosed is a $110 check for a one-month extension of time. Please apply any charges or credits to deposit account 06-1050.

Respectfully submitted,

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Brian J. Gustafson
Reg. No. 52,978

Fish & Richardson P.C.
500 Arguello Street, Suite 500
Redwood City, California 94063
Telephone: (650) 839-5070
Facsimile: (650) 839-5071

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